



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,903	02/08/2001	James Brunner	10711/4	6597

7590 03/12/2003
JOHN C. FREEMAN
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
----------	--------------

2876

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,903

Applicant(s)

BRUNNER, JAMES

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-52 is/are allowed.
- 6) ☒ Claim(s) 53-67 is/are rejected.
- 7) ☒ Claim(s) 65 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged is amendment filed on 12/05/2002.
2. Claims 1-65 are presented for examination.

Claim Objections

3. Claims 1-33 are objected to because of the following informalities:

Re claim 1 (page 2, line 5): Substitute " said web moves substantially independently of said web" with "said web moves substantially independently of said planar area".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 53-57, 60-61, and 64 are rejected under 35 U.S.C. 102(b) as being unpatented by Saitoh et al. (U.S. 6,024,148).

Re claim 53: Saitoh et al. discloses an adhesive tape dispensing apparatus, which includes means of moving/running a label/adhesive tape 20 of a substrate along a first direction (col.5, lines 10+); placing a label upon a portion of the web 1b (col.5, lines 13+); pressing the label onto a portion of the web 1b so as to attach the label to the portion of the web 1b (col.3, lines 6-20);

Art Unit: 2876

and diminishing skewing (by maintaining a constant speed between the web 1b and the conveyor belt 5) of the portion of the web 1b during the pressing (col.1, lines 50-57).

Re claim 54: Saitoh et al. teaches an apparatus, wherein diminishing comprises controlling the linear speed the web 1b along the first direction (col.2, lines 6+).

Re claim 55: Saitoh et al. discloses an apparatus, wherein the diminishing further comprises moving a planar portion or conveyor 5 parallel to the first direction (see Fig. # 1 of Saitoh).

Re claim 56: Saitoh et al. teaches an apparatus, wherein controlling the linear speed of the web 1b to the linear speed of the planar portion parallel to the first direction (col.1, lines 50+; See Fig. # 8 of Saitoh et al.).

Re claim 57: Saitoh et al. discloses an apparatus, wherein the web 1b and the planar area move substantially at the same speed during pressing (col.2, lines 6+).

Re claim 60: Saitoh et al. teaches an apparatus, further comprising placing a second label or adhesive tape 24b on the label (col.8, lines 43+).

Re claim 61: Saitoh et al. discloses an apparatus, further comprising pressing (through pressing member 81) the second label 24b onto the label/adhesive tape 24a located (through position marks 131) on the portion of the web 1b so as to attach the second label 24b to the label (col.8, lines 18-67).

Re claim 64: Saitoh et al. teaches an apparatus, further comprising placing a second label upon a second portion of the web simultaneously with placing the label upon a portion of the web (col.7, lines 1+).

Claim Rejections - 35 USC § 103

Art Unit: 2876

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 58-59, and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saitoh et al. (U.S. 6,024,148) in view of Barry (U.S. 6,120,637).

The teachings of Saitoh et al. have been discussed above.

Saitoh et al. fails to teach a label/adhesive tape with a security element/feature and indicia.

Barry discloses a self-adhesive label and manufacture thereof, which includes a self-adhesive label with security feature 30 and indicia/alphanumeric characters 43 (See Fig. # 1 of Barry)

In view of the teaching of Barry, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ a self-adhesive label or tag or tape with a security element and indicia into the teaching of Saitoh et al. Furthermore, the teachings of Saitoh et al. are not limited the types/designs, sizes of labels to be adhered into the web or connecting apparatus (see col.9, lines 17+ of Saitoh et al.) and that use of different variations of labels/tags/adhesive tape into the teaching of Saitoh et al. would not be considered as novel but an anticipated process of adhering label onto a web. Moreover, such modification would have been an obvious extension as taught by Saitoh et al., therefore an expedient.

Allowable Subject Matter

8. Claims 1-52 are allowed.

9. Claim 65 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach a dispensing system wherein the conveyor/planar area moves parallel to the first direction and below the web and wherein the conveyor/planar area moves substantially independently of the web. These limitations in conjunction with other limitations in the claims were not shown by the prior art of record.

Response to Arguments

11. Applicant's arguments filed on 12/05/2002 have been fully considered but are moot in light of the new ground of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rajala (U.S. 6,165,306) discloses a process and apparatus for cutting of discrete components of a multi-component work-piece and depositing them with registration on a moving web of material.

Kuppersbusch (U.S. 5,607,539) teaches a labeling apparatus.

Art Unit: 2876

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
March 8, 2003



THIEN M. LE
PRIMARY EXAMINER